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JUN 23 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

812-0474

June 23, 1998

**BY HAND DELIVERY**

Magalie Roman Salas, Esquire  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, DC 20554

Re: Petition for Rulemaking  
Manhattan, Montana

Dear Ms. Salas:

Transmitted herewith on behalf of Manhattan Broadcasting Company are an original and four copies of its Petition for Rulemaking requesting the Commission to amend the FM Table of Allotments to allot Channel 289A to Manhattan, Montana, as that community's first local broadcast service.

Should any questions arise concerning this matter, please communicate directly with this office.

Very truly yours,



Andrew S. Kersting  
Counsel for  
Manhattan Broadcasting Company

Enclosures  
cc (w/ encl.): Certificate of Service (by hand)

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BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

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JUN 23 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations,  
(Manhattan, Montana)

)  
)  
)  
)  
)  
)

MM Docket No. \_\_\_\_\_

RM No. \_\_\_\_\_

To: Chief, Allocations Branch

**PETITION FOR RULEMAKING**

Manhattan Broadcasting Company ("MBC"), by counsel, and pursuant to Section 1.401 of the Commission's rules, hereby requests the Commission to institute a rulemaking proceeding for the purpose of amending the FM Table of Allotments to allot Channel 289A to Manhattan, Montana, as that community's first local broadcast service. Thus, MBC proposes to amend Section 73.202(b) of the Commission's rules as follows:

	<b><u>Channel No.</u></b>	
<b><u>City</u></b>	<b><u>Present</u></b>	<b><u>Proposed</u></b>
Manhattan, Montana	----	289A

In support of this request, the following is stated:

The city of Manhattan, Montana, is an incorporated community located in Gallatin County, which has a 1990 U.S. Census population of 1,034.<sup>1</sup> Manhattan has its own City Garage, City Hall,

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<sup>1</sup> Source: *Rand McNally Commercial Atlas & Marketing Guide*, p. 411 (127th ed.) (1996).

police department, volunteer fire department, library, and post office.<sup>2</sup> The Manhattan yellow pages indicate that the community also has its own senior center, five churches, and one Christian school. With respect to medical and other health care facilities, the yellow pages list one family clinic with three practicing physicians, one back and neck clinic, one dentist, and one retirement home.

As a representative example of some of the business and other commercial establishments located within the community, the Manhattan yellow pages contain listings for six restaurants, two grocery stores, one bar, a motel, an overnight ranch, a vacation guest house, and a camp ground. The yellow pages also list at least seven other business establishments, including a car dealer, hardware store, lumber company, equipment company, and florist. Other commercial and professional services in Manhattan are offered by a bank, three accounting and bookkeeping firms, three insurance agents, and a travel agent.

As demonstrated in the attached engineering materials, the proposed site meets the minimum distance separation requirements with respect to all known licenses, construction permits, open allotments, pending applications, and pending rulemaking petitions. *See* Attachment B, p. 1. The engineering exhibit also demonstrates that, from the specified reference coordinates, the proposed station would provide a coverage contour in excess of the required 70dBu over the entire community of license. *Id.* at 2.

As stated above, the allotment of Channel 289A will provide Manhattan with its first local transmission service, which will promote the objectives of Section 307(b) of the Communications Act of providing a fair, efficient and equitable distribution of broadcast stations among the various

---

<sup>2</sup> Unless otherwise indicated, all of the information contained herein regarding the community of Manhattan has been obtained off the Internet (search address: *Yahoo Yellow Pages - Manhattan, MT 59741*). *See* Attachment A hereto.


states and communities,<sup>3</sup> and promote the third allotment priority established in *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 91 (1982).<sup>4</sup>

In the event this petition requesting the allotment of Channel 289A at Manhattan, Montana, is granted, MBC will file an application for a construction permit for the new station, and, if its application is granted, will promptly construct the new facility.

WHEREFORE, in light of the foregoing, Manhattan Broadcasting Company respectfully requests that the Commission GRANT this petition for rulemaking, AMEND the FM Table of Allotments, and ALLOT Channel 289A to Manhattan, Montana, as that community's first local broadcast service.

Respectfully submitted,

MANHATTAN BROADCASTING COMPANY

By:   
Frank R. Jazzo  
Andrew S. Kersting

Fletcher, Heald & Hildreth, P.L.C.  
1300 N. Seventeenth Street, 11th Floor  
Arlington, Virginia 22209  
(703) 812-0400

Its Counsel

June 23, 1998

c:\jazzo\rm\Manhattan.pet

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<sup>3</sup> 47 U.S.C. §307(b). See *National Broadcasting Co. v. U.S.*, 319 U.S. 190, 217 (1943) (describing a goal of the Communications Act to "secure the maximum benefits of radio to all the people of the United States"); *FCC v. Allentown Broadcasting Co.*, 349 U.S. 358, 359-62 (1955) (describing a goal of Section 307(b) to "secure local means of expression").

<sup>4</sup> The criteria for determining the comparative preferability of a proposed FM allotment are (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. 90 FCC 2d at 91.

**Attachment A**

**Selected Excerpts from Internet Yellow Pages**



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## Manhattan, MT

[Change City](#)

[Top](#) : [Community](#) : [Libraries](#)

1 to 1 of 1 [Find Near You](#)

Business Name	Address	City	Phone
<a href="#">Manhattan Library</a>	103 S Broadway St	Manhattan, MT	(406) 284-6363

### [Beyond Manhattan](#)

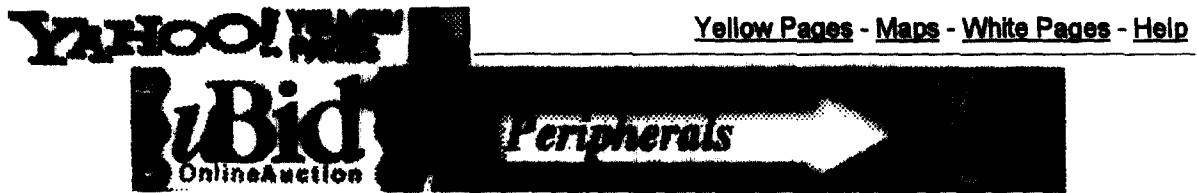
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**Top : Community : Post Offices**

1 to 1 of 1 **Find Near You**

Business Name	Address	City	Phone
<u>US Post Office</u>	120 W Railroad Ave S	Manhattan, MT	(406) 284-6585

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1 to 5 of 5 [Find Near You](#)

<b>Business Name</b>	<b>Address</b>	<b>City</b>	<b>Phone</b>
<a href="#">Bethel Christian Church</a>	6040 Bethal Dr	Manhattan, MT	(406) 282-7445
<a href="#">Gallatin Valley Church</a>	215 N 4th St	Manhattan, MT	(406) 284-6211
<a href="#">Manhattan Bible Church</a>	123 S 5th	Manhattan, MT	(406) 284-3210
<a href="#">Manhattan Christian Reformed</a>	7950 Churchill Rd	Manhattan, MT	(406) 282-7968
<a href="#">Manhattan Presbyterian Church</a>	216 N Broadway	Manhattan, MT	(406) 284-6961

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Business Name	Address	City	Phone
<a href="#">Manhattan Fire Dept</a>	Po Box 911	Manhattan, MT	(406) 284-6224

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<b>Business Name</b>	<b>Address</b>	<b>City</b>	<b>Phone</b>
<a href="#">Logan Landfill</a>		Manhattan, MT	(406) 284-6028
<a href="#">Manhattan City Garage</a>	107 S 7th	Manhattan, MT	(406) 284-3278
<a href="#">Manhattan City Hall</a>	103 S Broadway St	Manhattan, MT	(406) 284-3235

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Business Name	Address	City	Phone
<a href="#">Manhattan Police Dept</a>	112 S Broadway	Manhattan, MT	(406) 284-6630

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<b>Business Name</b>	<b>Address</b>	<b>City</b>	<b>Phone</b>
<u>Manhattan Senior Ctr</u>	102 E Railroad Ave S	Manhattan, MT	(406) 284-6501

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<b>Business Name</b>	<b>Address</b>	<b>City</b>	<b>Phone</b>
<a href="#"><u>David Douglas - Douglas Tax &amp; Accounting</u></a>	116 W Main St Ave S	Manhattan, MT	(406) 284-6068
<a href="#"><u>Gen Boman - Gen's Bookkeeping &amp; Tax Svc</u></a>	3700 Amsterdam Rd	Manhattan, MT	(406) 282-7521
<a href="#"><u>Steve Hamilton CPA - Hamilton &amp; Co</u></a>	105 S 5th	Manhattan, MT	(406) 284-3205

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Business Name	Address	City	Phone
<u>Manhattan State Bank</u>	124 S Broadway	Manhattan, MT	(406) 284-3255

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Business Name	Address	City	Phone
<a href="#">Doug Hamilton - Three Valleys Insurance</a>	118 E Railraad Ave S	Manhattan, MT	(406) 284-3263
<a href="#">John P Steele - New York Life Insurance</a>	122 W Main St	Manhattan, MT	(406) 284-3241
<a href="#">Rodger Torrenga - Fenno-Mulder Agency</a>	124 S Broadway	Manhattan, MT	(406) 284-3228

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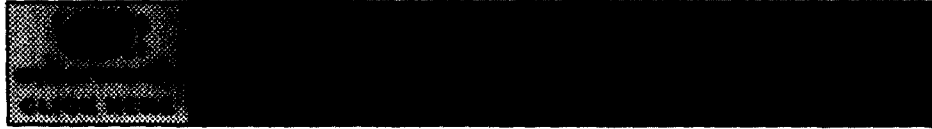
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Business Name	Address	City	Phone
<a href="#">Manhattan Christian School</a>	8000 Churchill Rd	Manhattan, MT	(406) 282-7261

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**Club**

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Business Name	Address	City	Phone
<a href="#">Broken Arrow</a>	208 E Railroad Ave N	Manhattan, MT	(406) 284-3353
<a href="#">Land Of Magic Dinner Club</a>	11060 Front St	Manhattan, MT	(406) 284-3794

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<a href="#"><u>Amsterdam General Store</u></a>	6680 Amsterdam Rd	Manhattan, MT	(406) 282-7223	
<a href="#"><u>L &amp; F Food Farm</u></a>	106 E Railroad Ave S	Manhattan, MT	(406) 284-3221	<b><u>Order Food Online</u></b> 

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<b>Business Name</b>	<b>Address</b>	<b>City</b>	<b>Phone</b>	<b><a href="#">Order Food Online</a></b>
<a href="#">Cafe On Broadway</a>	112 S Broadway	Manhattan, MT	(406) 284-3017	
<a href="#">Casa Margarita's</a>	214 W Railroad Ave S	Manhattan, MT	(406) 284-3238	<b><a href="#">Order Food Online</a></b> 
<a href="#">Garden Cafe</a>	107 S Broadway	Manhattan, MT	(406) 284-3366	
<a href="#">Land Of Magic Dinner Club</a>	11060 Front St	Manhattan, MT	(406) 284-3794	
<a href="#">Monkey Don's Rib Joint</a>	122 E Railroad Ave S	Manhattan, MT	(406) 284-3144	
<a href="#">Sir Scott's Oasis</a>	W Main St	Manhattan, MT	(406) 284-6929	

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<b>Business Name</b>	<b>Address</b>	<b>City</b>	<b>Phone</b>
<a href="#">Churchill Retirement Home</a>	6151 Shady Rest St	Manhattan, MT	(406) 282-7233
<a href="#">Eugene Krebsbach MD - Gallatin Valley Family Clinics</a>	207 S 6th St	Manhattan, MT	(406) 284-6956
<a href="#">Gregory P Hoell DC - Bozeman Back &amp; Neck Clinic</a>	114 W Railroad Ave	Manhattan, MT	(406) 284-3246
<a href="#">Patricia Moran MD - Gallatin Valley Family Clinics</a>	207 S 6th St	Manhattan, MT	(406) 284-6956
<a href="#">Robert Jackson MD - Gallatin Valley Family Clinics</a>	207 S 6th St	Manhattan, MT	(406) 284-6956
<a href="#">Spain Daniel L DDS</a>	118 S 4th St	Manhattan, MT	(406) 284-3251

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Business Name	Address	City	Phone
<u>MT Motel</u>	122 E Railroad Ave S	Manhattan, MT	(406) 284-3260

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**Top : Travel and Transportation : Hotels and Lodging : Other**

1 to 1 of 1 **Find Near You**

Business Name	Address	City	Phone
<u>Twin Rivers Ranch</u>	1300 Twinn Rivers Cutoff	Manhattan, MT	(406) 284-6485

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<b>Business Name</b>	<b>Address</b>	<b>City</b>	<b>Phone</b>
<u>All Fly Away Travel Agency</u>	13890 Churchill Rd	Manhattan, MT	(406) 282-7919

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**Top : Real Estate : Vacation Rentals**

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Business Name	Address	City	Phone
<u>Little Colt Palace Guest House</u>	311 Spaulding Dr	Manhattan, MT	(406) 284-3208

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<u>Manhattan Camper Court-Trailer</u>	9110 Wooden Shoe Ln	Manhattan, MT	(406) 284-6930

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